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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/720,790
	Filing Date	November 21, 2003
	First Named Inventor	David William Banner et al.
	Art Unit	1626
	Examiner Name	Andrew B. Freistein
Total Number of Pages in This Submission	Attorney Docket Number	21500

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David E. Wildman
Signature	
Date	January 24, 2006

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	David E. Wildman
Signature	
Date	January 24, 2006

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Confirmation No. 5703

David William Banner et al.

Group: 1626

Application No. 10/720,790, filed November 21, 2003
(Case Docket No. 21500)

Examiner: Andrew B. Freistein

For: **NOVEL MANDELIC ACID DERIVATIVES**

RESPONSE TO RESRICTION REQUIREMENT

Nutley, New Jersey 07110
January 24, 2006

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response the Restriction Requirement mailed December 28, 2005, the Examiner required restriction between the following allegedly independent and distinct groups of claims:

Claim Group I: claims 1 to 61 and 65, said to be drawn to compounds and compositions;

Claim Group II: claims 62 and 63, said to be drawn to processes for synthesizing the compounds of claims 1 to 61;

Claim Group III, claim 64, said to be drawn to an intermediate compound; and

Claim Group IV, claims 66 and 67, said to be drawn to methods for using Group I compounds.

In response, applicants elect claim group I, claims 1 to 61 and 65, with traverse, for further prosecution in this application. Applicants further elect the species (RS)-2-[4-(6-Amino-pyridin-3-yl)-2,6-difluoro-phenyl]-N-(4-carbamimidoyl-2-carbamoylmethoxy-benzyl)-2-ethoxy-acetamide hydrochloride acetic acid, i.e., the compound exemplified in Example 334.3, for further prosecution in this application.

This is the compound represented by formula (I) of claim 1 when R1 and R2 are hydrogen, R3 is carbamoylmethoxy, R4 is hydrogen, R5 is ethyl, R6 is hydrogen, R7 is fluorine, R8 is hydrogen, R9 is 6-amino-pyridin-3-yl, R10 is hydrogen, Y is C, and R11 is fluorine, in the form of the hydrochloride acetic acid salt. Claims 1 to 6, 9 to 20 and 60 read upon the elected species.

Applicants respectfully request that should no prior art be found which anticipates or renders obvious the elected subject matter, search of the claims be continued pursuant to the procedure set forth in MPEP 803.02. Further, applicants request rejoinder of the process claims pursuant to MPEP 821.04.

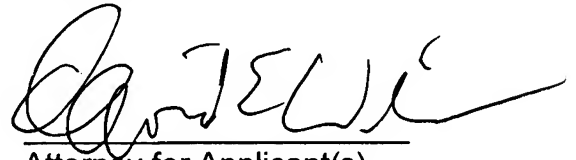
Applicants traverse on the grounds that the claims are directed to the same inventive concept, i.e., the recited compounds, compositions containing them, and methods for making and using them. The compounds are central to all of these aspects of the invention, and a search for the compounds would also reveal any art directed to how to make and use them. Thus, searching all of the claims would impose no undue burden on the Examiner.

Serial No. 10/720,790
Filed: November 21, 2003

No fees are believed due. However, the Director is hereby authorized to charge any deficit, or credit any overpayment, to Deposit Account No. 08-2525.

The foregoing election and remarks are fully responsive to the Restriction Requirement issued December 28, 2005. Early and favorable consideration is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David E. Wildman', written over a horizontal line.

Attorney for Applicant(s)

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